

**STATE OF CONNECTICUT
DEPARTMENT OF SOCIAL SERVICES
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE
HEARINGS
55 FARMINGTON AVENUE
HARTFORD, CT 06105-3725**

██████████, 2024
SIGNATURE CONFIRMATION

CASE # ██████████
CLIENT ID # ██████████
REQUEST # ██████████

NOTICE OF DECISION

PARTY

██████████
██████████
██████████████████

PROCEDURAL BACKGROUND

On ██████████, 2023, the Department of Social Services (the “Department”) made a request for an Administrative Disqualification Hearing (“ADH”) to seek disqualification of ██████████ (the “Defendant”) from participation in the Supplemental Nutrition Assistance Program (“SNAP”) for a period of twelve months. The Department alleges the Defendant committed an Intentional Program Violation (“IPV”) by misrepresenting her household composition. Additionally, the Department seeks to recover a total of \$1,226.37 in overpaid SNAP benefits resulting from the alleged misrepresentation of the Defendant’s household.

On ██████████, 2023, the Office of Legal Counsel, Regulations and Administrative Hearings (“OLCRAH”) mailed to the Defendant, notification of the initiation of the ADH process scheduled for ██████████, 2024, which included notification of her rights in these proceedings, certified mail via the United States Postal Service (“USPS”).

On ██████████, 2023, the certified mail was delivered to and left with the Defendant.

On [REDACTED], 2024, OLCRAH conducted the ADH in accordance with section 17b-88 of the Connecticut General Statutes and Title 7 of the Code of Federal Regulations section 273.16 subsection (e). The following individuals were present at the hearing:

LaShea Hall, Department of Social Services Investigator
Joseph Alexander, Administrative Hearing Officer

The Defendant was not present at the hearing. The Defendant did not establish good cause for failing to appear at the hearing.

STATEMENT OF THE ISSUE

The first issue to be decided is whether the Defendant committed an IPV of the SNAP and is therefore subject to a twelve-month disqualification penalty.

The second issued to be decided is whether the Department's proposal to recover the resulting \$1,226.37 SNAP overpayment is correct.

FINDINGS OF FACT

1. The Defendant is the daughter of, and authorized representative for both her father, [REDACTED] and mother, [REDACTED]. All three individuals have been residing at [REDACTED]. (Hearing Record, Exhibit 2: Case Summary [REDACTED], Exhibit 4: Case Summary [REDACTED])
2. On [REDACTED], 2020, the Defendant's father passed away. (Exhibit 7: SOLQ Results Page for [REDACTED])
3. SNAP benefits under [REDACTED] Case ID # ([REDACTED]) were issued to a household of two ([REDACTED] and [REDACTED]) from [REDACTED], 2019, through [REDACTED], 2022; the benefits ended effective [REDACTED] 2022, because the household failed to submit renewal paperwork. (Hearing Record)
4. On [REDACTED] 2022, the Department received a signature page belonging to a renewal document submitted prior on [REDACTED], 2022. The renewal document lists [REDACTED] and [REDACTED] as household members. The signature page displayed the Defendants signature along with [REDACTED] and [REDACTED] signatures. (Hearing Record)

5. On [REDACTED], 2023, the Defendant and her mother appeared in-person at the [REDACTED] regional office to apply for SNAP for [REDACTED] and [REDACTED]. The Eligibility Determination document was signed by both the Defendant and [REDACTED] attesting the household consisted of two individuals ([REDACTED] and [REDACTED]). (Hearing Record, Exhibit 2: Case Note dated [REDACTED]/23, Exhibit 5: Eligibility Determination Document)
6. On [REDACTED] 2023, the Defendant's mother [REDACTED] passed away. (Exhibit 8: SOLQ Results Page for [REDACTED].
7. SNAP benefits were issued for a household consisting of two individuals ([REDACTED] and [REDACTED]) from [REDACTED], 2023, through [REDACTED], 2023, under Case # [REDACTED]. (Hearing Record, Exhibit 10: Benefit Issuance Search)
8. On [REDACTED] [REDACTED], 2023, a referral was sent to the Department's FRAUD Investigations Division under [REDACTED] Case # ([REDACTED]). The referral outlines [REDACTED] death, renewals, applications, the household's receipt of SNAP benefits and the misrepresentation of the household composition. (Exhibit 1: Referral created [REDACTED]/23)
9. On [REDACTED] 2023, the referral under Case # [REDACTED] was closed as [REDACTED] and [REDACTED] had since passed away. A new referral was opened under the Defendant's Case # ([REDACTED]) as the Department could not pursue action against either [REDACTED] or [REDACTED] due to their deaths. (Hearing Record, Exhibit 1: Referral created [REDACTED] 7/23, Exhibit 3: Referral created [REDACTED]/23)
10. On [REDACTED], 2023, the Electronic Disqualification Receipt System ("EDRS") and the Welfare Fraud database ("WFLK") was searched to confirm no prior disqualifications had been recorded for the Defendant. (Exhibit 17: EDRS Search, Exhibit 18: WFLK Results Page)
11. On [REDACTED], 2023, a W-1448 "Notice of Prehearing Interview Food Stamp Program" and a W-1449 "Waiver of Disqualification Hearing SNAP Program" were mailed to the Defendant at [REDACTED]. (Exhibit 15: W-1448, Exhibit 16: W-1449)

12. On [REDACTED], 2023, the Department created a SNAP overpayment totaling \$1,226.37 for the period of [REDACTED] 2023 through [REDACTED] 2023 as calculated below:

MONTH	SNAP PAID	ELIGIBLE AMT	OVERPAYMENT
[REDACTED] 2023	\$103.00	\$56.00 (Pro Rate)	\$47.00
[REDACTED] 2023	\$516.00	\$281.00	\$235.00
[REDACTED] 2023	\$516.00	\$281.00	\$235.00
[REDACTED] 2023	\$516.00	\$281.00	\$235.00
[REDACTED] 2023	\$516.00	\$281.00	\$235.00
[REDACTED] 2023	\$535.00	\$291.00	\$239.37 (-\$4.63)
Total	\$2,702.00	\$1,471.00	\$1,226.37

(Exhibit 10: Benefit Issuance Search, Exhibit 11: SNAP Computation Sheets)

13. The Defendant failed to meet with the Investigator on [REDACTED]/23 as specified on the W-1448 and established no contact with the Investigator from that date forward. (Hearing Record, Investigator Testimony)

14. This case has not been submitted for criminal or civil prosecution. (Department Representative Testimony)

15. The Defendant is not a recipient of SNAP benefits. (Investigator's Testimony)

16. The Department seeks to disqualify the Defendant from participation in the SNAP for a period of twelve months due to an IPV which occurred when the Defendant misrepresented her household composition, and seeks to recover SNAP benefits totaling \$1,226.37 which were overpaid to the Defendant's deceased parents as a result of the misrepresentation of the household composition. (Hearing Record)

17. The issuance of this decision is timely under Title 7 Section 273.16(e)(2)(iv) of the Code of Federal Regulations, which requires that within [REDACTED] days of the date the household member is notified in writing that a State or local hearing initiated by the State agency has been scheduled, the State agency shall conduct a hearing, arrive at a decision and notify the household member and local agency of the decision. On [REDACTED], 2023, the Defendant received the certified mail making this decision due no later than [REDACTED], 2024.

CONCLUSIONS OF LAW

1. Section 17b-2(7) of the Connecticut General Statutes (“Conn. Gen. Stat.”) provides that the Department of Social Services is designated as the state agency for the administration of the Supplemental Nutrition Assistance Program pursuant to the Food and Nutrition Act of 2008.

The Department has the authority to administer and oversee the SNAP.

2. Title 7 Section 273.1(a)(b) of the Code of Federal regulations (“CFR”) provides for general household definition and special household requirements as follows. (a) *General household definition.* A household is composed of one of the following individuals or groups of individuals, unless otherwise specified in paragraph (b) of this section: (1) An individual living alone; (2) An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from others; or (3) A group of individuals who live together and customarily purchase food and prepare meals together for home consumption. (b) *Special household requirements.* (1) *Required household combinations.* The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the other, even if they do not do so, and thus must be included in the same household, unless otherwise specified. (i) Spouses; (ii) A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s); and (iii) a child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his or her parent. A child must be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household, unless State law defines such a person as an adult.

The Department correctly determined the household consisted of two eligible members prior to [REDACTED] passing ([REDACTED] and [REDACTED]).

The Department correctly determined the household consisted of one eligible member following [REDACTED] passing ([REDACTED]).

The Department correctly determined no eligible members existed following [REDACTED] passing.

3. 7 CFR § 273.16(c) defines IPV as follows: For purposes of determining through administrative disqualification hearings whether or not a person has committed an IPV, IPV's shall consist of having intentionally: (1) made a false or misleading statement, or misrepresented, concealed or withheld facts, or (2) committed any act that constitutes a violation of the Food Stamp Act, the Food Stamp Program Regulations, or any State statute relating to the use, presentation, transfer, acquisition, receipt, or possession of Food Stamp coupons, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).

The Department correctly determined the Defendants intentional misrepresentation of the household composition was an IPV.

4. 7 CFR § 273.16(a)(1) provides as follows. "The State agency shall be responsible for investigating any cases of alleged Intentional Program Violation and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or a referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this section. Administrative disqualification procedures or referral for prosecution action should be initiated by the State agency in cases in which the State agency has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of Intentional Program Violation as defined in paragraph (c) of this section. If the State agency does not initiate administrative disqualification procedures or refer to prosecution a case involving an over issuance caused by a suspected act of Intentional Program Violation, the State agency shall take action to collect over issuance by establishing an inadvertent household error claim against the household in accordance with procedures in § 273.18. The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, in cases previously referred for prosecution that were declined by the appropriate legal authority, and in previously referred cases where no action was taken within a reasonable period or time and the referral was formerly withdrawn by the State agency. The State agency shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court or appropriate jurisdiction, if the factual issues of the case arise out of the same, or related, circumstances. The State agency may initiate administrative disqualification procedures or refer a case for prosecution of the current eligibility of the individual."

The Department has the authority to investigate cases of alleged IPV and initiate administrative disqualification procedures. The Department correctly investigated the allegations against the Defendant as this case has not been referred for prosecution. The Department correctly initiated administrative disqualification procedures based on the evidence of IPV gathered through the investigative process.

5. 7 CFR § 273.16 (e) (3) provides for the advance notice of the hearing. (i) The State agency shall provide written notice to the individual suspected of committing an intentional program violation at least 30 days in advance of the date a disqualification hearing initiated by the State agency has been scheduled. If mailed, the notice shall be sent either first class mail or certified mail-return receipt requested. The notice may also be provided by any other reliable method. If the notice is sent using first class mail and is returned as undeliverable, the hearing may still be held. (iii) The notice shall contain at a minimum: (A) The date, time, and place of the hearing; (B) The charge(s) against the individual; (C) A summary of the evidence, and how and where the evidence can be examined; (D) A warning that the decision will be based solely on information provided by the State agency if the individual fails to appear at the hearing.

The ADH notice that included a summary of the Department's charges was delivered and left with the Defendant on [REDACTED], 2023.

The Defendant has not demonstrated good cause for failing to participate in the hearing process.

6. 7 CFR § 273.16(a)(3) provides as follows. "The State agency shall base administrative disqualifications for Intentional Program Violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section or on determinations reached by courts of appropriate jurisdiction in accordance with paragraph (g) of this section. However, any State agency has the option of allowing accused individuals either to waive their rights to administrative disqualification hearings in accordance with paragraph (f) of this section or to sign disqualification consent agreements for cases of deferred adjudication in accordance with paragraph (h) of this section. Any State agency which chooses either of these options may base administrative disqualifications for Intentional Program Violation on the waived right to an administrative disqualification hearing or on the signed disqualification consent agreement in cases of deferred adjudication."

In this matter the Defendant chose to exercise her right to have an administrative disqualification hearing as she did not return a signed W-1449 “Waiver of Disqualification Hearing SNAP Program” form.

7. 7 CFR § 273.16(e)(8)(i) provides as follows. “Imposition of disqualification penalties. (i) if the hearing authority rules that the individual has committed an Intentional Program Violation, the household member must be disqualified in accordance with the disqualification periods and procedures in paragraph (b) of this section. The same act of Intentional Program Violation repeated over a period of time must not be separated so that separate penalties can be imposed.”
8. 7 CFR § 273.16(b)(1)(i) provides as follows. “Disqualification penalties. Individuals found to have committed an Intentional Program Violation either through an administrative disqualification hearing or by a Federal, State, or local court, or who have signed either a waiver of the right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the program: For a period of twelve months for the first Intentional Program Violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section.”

The Department correctly determined this is the Defendant’s first IPV.

9. 7 CFR § 273.16(e)(6) provides that the hearing authority shall base the determination of Intentional Program Violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, an Intentional Program Violation
10. 7 CFR § 273.16 (b) (12) provides that even though the individual is disqualified, the household, as defined in § 273.1, is responsible for making restitution for any overpayment. All IPV claims must be established and collected in accordance with the procedures set forth in § 273.18.
11. 7 CFR § 273.18 (a) (1) provides a recipient claim is an amount owed because of:
 - (i) Benefits that are overpaid.
12. 7 CFR § 273.18 (a) (2) provides that a claim for overpaid benefits represents a Federal debt and that the State agency must develop an adequate plan for establishing and collecting claims.

13.7 CFR § 273.18 (b) provides for types of claims. There are three types of claims.
(1) Intentional Program Violation. Any claim for an overpayment or trafficking resulting from an individual committing an IPV.

14.7 CFR § 273.18 (c) provides for calculating the claim amount— (1) Claims not related to trafficking. (i) As a state agency you must calculate a claim back to at least twelve months prior to when you become aware of the overpayment and or an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment. 7 CFR § 273.18 (c) (1) (ii) provides for the actual steps in calculating a claim. (A) determine the correct amount of benefits for each month that a household received an overpayment.

The Department correctly determined the Defendant's parent(s) received \$1,226.37 during the IPV period.

The Department is correct in seeking recoupment of \$1,226.37 in SNAP benefits from the Defendant as both parents are deceased and she, acting as the authorized representative for both parents, intentionally misrepresented the household composition.


DISCUSSION

The Department has established with clear and convincing evidence that the Defendant intentionally misrepresented her household composition following the deaths of her parents. The Defendant failed to notify the Department of the change(s) to her household composition and continued to report that her parents were household members/SNAP recipients on renewal paperwork and applications following their deaths. The Defendant, acting as her parents authorized representative, had a responsibility to report to the Department any changes in household composition as these changes affect program eligibility and benefit amounts. Since both parents are deceased, the Department cannot impose an IPV and collect restitution from them. The Department has alleged the Defendant has committed an IPV and is responsible for making restitution (Conclusion of Law # 10).

DECISION

The undersigned hearing officer finds the Defendant guilty of committing an Intentional Program Violation of the SNAP as she intentionally misrepresented her household composition.

The Defendant is disqualified from the SNAP for a period of twelve months and is required to make full restitution for the overpayment.


Joseph Alexander
Administrative Hearing Officer

CC: OLCRAH.QA.DSS@ct.gov

LaShea Hall, CFIU Investigator, DSS, Bridgeport Regional Office

RIGHT TO APPEAL

The defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 165 Capitol Avenue, Hartford, CT 06106, or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105-3725. A copy of the petition must also be served on all parties to the hearing.

The 45-day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or her designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the defendant resides.